



COVID-19 Response

Date: 04-15-2020

Topic: Temporary Service Modifications

The Department of Human Services' Division of Developmental Disabilities (Division) recognizes the unprecedented pressures the COVID-19 pandemic has had on its service system. We are grateful to the individuals we serve, their families and guardians, direct support professionals, community providers, and other stakeholders for their commitment during this difficult time.

The Division has been continually working to communicate information as it becomes available and introduce flexibilities in critical areas, including the hiring of agency staff and self-directed employees, how funding is provided, and the manner in which service monitoring occurs. We also recognize that, to work through this national health crisis, further flexibilities are needed. Areas we are working on include additional flexibility around funding, criminal background checks, and provision of Home and Community Based Services in alternate settings. Further flexibilities will be announced once we receive federal approval.

While the Division continues to work closely with our federal partners at the Centers for Medicare and Medicaid Services (CMS), we are taking action now to allow the provision of remote services in certain areas.

Effective April 9, 2020 and until further notice by the Division, the following temporary modifications related to remote provision of services will be in place.

These temporary modifications apply to waiver services defined in Section 17 of the Supports Program and Community Care Program policy manuals. All other policy manual service definitions, qualifications, documentation requirements and limitations remain in place.

Relaxing of Requirements for Services to be Delivered In-Person and/or in Community Settings

The requirement that services must be delivered in-person and the requirement that service delivery must take place in a community-based setting outside of an individual's home are temporarily relaxed for the following services, as applicable. Individuals may continue to receive one-to-one in-home supports **as long as the planning team has carefully considered the potential health risks and is in agreement with the continuation of in-home supports**. Remote delivery is temporarily an option for the following services:

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| <ul style="list-style-type: none">• Behavioral Supports• Career Planning• Cognitive Rehabilitation• Community Based Supports• Community Inclusion Services• Day Habilitation• Goods and Services (Classes)• Individual Supports – Hourly• Interpreter Services | <ul style="list-style-type: none">• Natural Supports Training• Occupational Therapy• Physical Therapy• Prevocational Training (Individual and Group)• Speech, Language & Hearing Therapy• Support Coordination• Supported Employment (Individual)• Support Brokerage |
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In all cases:

- Videoconferencing* must be delivered through a secure platform.
- Services cannot exceed the individual's budget.
- Day service agencies receiving Division funding due to facility closures may provide services remotely but cannot claim to DXC for services covered by the Division payment. The services covered by the Division payment are: Career Planning, Community Inclusion Services, Day Habilitation, Pre-Vocational Training (Group), and Supported Employment (Group);
- Self-directed employee wages must fall below or within the reasonable and customary threshold of \$20 - \$25 per hour;
- Support Coordinators should:
 - Document any modified service delivery in iRecord using the COVID note type and every month in the Monthly Monitoring Tool, including the alternative service delivery method used.
 - Stop services in an existing service plan if funding needs to be made available for other needed services.

***Videoconferencing:**

Any technology used for the remote provision of waiver services must be secure and HIPAA compliant. However, the federal Office of Civil Rights, which enforces HIPAA, issued guidance on the use of technology during the crisis, which is available here:

www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html